

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

STEVEN EARL HARTFIEL

VS.

**T. LEE TRUCKING, LLC, TANNER
LEE, WALDEN FARMS, LLC,
SOUTHLAND HAULERS, LLC
AND TRAVIS TUCK, JR.**

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CIVIL ACTION NO.

T LEE TRUCKING, LLC'S NOTICE OF REMOVAL

Defendant T Lee Trucking, LLC files this Notice of Removal under 28 U.S.C. § 1446(a).

A. INTRODUCTION

1. Plaintiff is Steven Earl Hartfiel; Defendants are T. Lee Trucking, LLC, Tanner Lee, Walden Farms, LLC, Southland Haulers, LLC and Travis Tuck, Jr.
2. On August 17, 2021, Plaintiff sued Defendant for bodily injury arising from an October 30, 2019 motor vehicle accident on Interstate 20 in Gregg County, Texas.
3. Defendant T Lee Trucking, LLC was served with the suit on October 21, 2021. Defendant files this notice of removal within the 30-day time period required by 28 U.S.C. §1446(b)(1). *Bd. of Regents of Univ. Of Tex. Sys. v. Nippon Tel. & Tel. Corp*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity between the parties. 28 U.S.C. §1332(a); *Johnson v. Columbia Props. Anchorage, LP*, 437 F.3d 894, 899-900 (9th Cir. 2006). Plaintiff is a citizen of Kilgore, Texas. Defendant, T Lee Trucking, LLC is a limited liability company organized under the laws of Alabama. Defendant Tanner Lee is a resident of Alabama. Southland Haulers is a limited liability company organized under the laws of Alabama. Walden Farms, LLC is a limited liability company organized under the laws of Alabama. Travis Tuck is a resident of Alabama. Additionally, the amount in controversy is in excess of \$1,000,000.00 as pled in Plaintiff's Original Petition. *See* 28 U.S.C. §§1332(a), 1446(c)(2)(B).

5. All defendants who have been properly joined and served join in or consent to the removal of this case to federal court. 28 U.S.C. §1446(b)(2)(A); *Cook v. Randolph Cty.*, 573 F.3d 1143, 1150-51 (11th Cir. 2009); *Pritchett v. Cottrell, Inc.*, 512 F.3d 1057, 1062 (8th Cir. 2008); *Harper v. AutoAlliance Int'l, Inc.*, 392 F.3d 195, 201-02 (6th Cir. 2004).
6. Consent of defendants Walden Farms, LLC and Travis Tuck, Jr. are not necessary because Walden Farms, LLC and Travis Tuck, Jr. have not been properly served. 28 U.S.C. §1446(b)(2)(A); *Knight v. Mooring Capital Fund, LLC*, 749 F.3d 1180, 1183-84 (10th Cir. 2014); *see Harper v. AutoAlliance Int'l, Inc.*, 392 F.3d 195, 201 (6th Cir. 2004).
7. Copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. §1446(a).
8. Venue is proper in this district under 28 U.S.C. §1441(a) because the state court where the suit has been pending is located in this district.
9. Defendant will promptly file a copy of this notice of removal with the clerk of the state court where the suit has been pending.

C. JURY DEMAND

10. Plaintiff did not demand a jury in the state-court suit.

D. CONCLUSION

11. For these reasons, defendant asks the Court to remove this suit to the United States District Court for the Eastern District of Texas, Tyler Division.

Respectfully submitted,

**KENT, ANDERSON, BUSH, FROST &
METCALF, P. C.**

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By: /s/ Billy D. Anderson

BILLY D. ANDERSON

State Bar No. 01165966

**ATTORNEYS FOR DEFENDANTS
T LEE TRUCKING, LLC**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was electronically via email delivered to the following as indicated on this the 16th day of November, 2021:

Brent Goudarzi
Goudarzi & Young
Welby K. Parish Law Bldg.
301 North Titus Street
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Gilmer, Texas
goudarziyoung@goudarzi-young.com

/s/ *Billy D. Anderson*
BILLY D. ANDERSON